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Attorney for Defendant, Nuradin Abdi

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

UNITED STATES OF AMERICA,)	Case No.: 2:04CR88
)	
Plaintiff,)	(Honorable Algenon L. Marbley)
)	
vs.)	NOTICE OF MOTION AND MOTION
)	FOR BILL OF PARTICULARS
NURADIN ABDI,)	
)	
Defendant)	
)	
)	

TO: GREGORY G. LOCKHART, UNITED STATES ATTORNEY
DANA PETERS, ASSISTANT UNITED STATES ATTORNEY
SYLVIA KASER, TRIAL ATTORNEY, UNITED STATES DEPARTMENT OF
JUSTICE

PLEASE TAKE NOTICE that defendant, NURADIN ABDI, by and through his
attorney, Mahir T. Sherif, moves this Court to direct the filing of Bill of Particulars.

MOTION

COMES NOW, the defendant, NURADIN ABDI, who, by and through his attorney,
Mahir T. Sherif, hereby moves this Court to direct the filing of a Bill of Particulars. This
motion is based on this notice of motion, the memorandum of points and authorities in support
of this motion, and any other information and argument that may be properly provided to the
Court.

Defendant is unable to ascertain from the face of the indictment the nature of the case
against him because of the lack of specificity and is thus unable to prepare his defense.
Defendant moves that the prosecution be ordered to state the following:

1 A. COUNT ONE – CONSPIRACY TO PROVIDE MATERIAL SUPPORT

- 2 (1) The exact language, word or words allegedly used by the defendant which allegedly
3 indicated, or intended to indicate, that he willfully and knowingly agreed to commit
4 the crimes charged in the indictment;
- 5 (2) The dates upon which defendant allegedly committed the charged offense;
- 6 (3) The places (cities, states, street addresses, apartment numbers, etc.) where defendant
7 allegedly committed the crime charged;
- 8 (4) The names and addresses of person or persons present or listening when the defendant
9 allegedly committed the crimes charged;
- 10 (5) With regard to the allegation of the conspiracy, the following:
- 11 a. What persons the defendant conspired with;
- 12 b. What other acts the conspirators committed;
- 13 c. What conspirators participated in each such act;
- 14 d. What the purpose of the act was;
- 15 e. Where the act was committed;
- 16 f. The date the act was committed;
- 17 g. The names and addresses of the witnesses present when the act was
18 committed;
- 19 (6) With regard to the allegation of material support and resources, the following:
- 20 a. What support and/or resources allegedly did the defendant provide,
- 21 b. Where was the act of providing such support committed;
- 22 c. The date the act(s) was committed;
- 23 d. The names and addresses of the witnesses present when the act was
24 committed;
- 25 e. What material support the defendant concealed or disguised the nature,
26 location, source or ownership of provided;
- 27 f. Where the material support was concealed or how it was disguised
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- g. The names and addresses of the witnesses present when the concealment or disguise was allegedly committed;
- h. When, where, why and/or how the defendant knowingly intended such support and/or resources would be used to conspire to kill, kidnap, maim or injure persons or damage property in a foreign country;
- i. The names and addresses of the witnesses present when the defendant allegedly demonstrated the “intent” in the preceding request;
- j. What foreign country the defendant was conspiring to kill, kidnap, maim or injure person or damage property in;
- k. What date was defendant allegedly going to commit these acts in a foreign country;
- l. The names and addresses of the witnesses with knowledge of the acts allegedly to be committed in a foreign country;

(7) The names of un-indicted, but identified, co-conspirators of defendant, including those whose names may have become known since the return of the indictment, or the names of those other persons who were indicted but in separate indictments or under different charges;

(8) With regard to the alleged overt act:

- a. The date on which it was allegedly planned by the defendant to travel to Ogaden, Ethiopia;
- b. The exact words or language used by the defendant which demonstrate his intent to travel to the Ogaden for the alleged purpose of “obtaining violent Jihad” military-style training;
- c. The names and addresses of the persons who witnessed defendant making said plans or statements;
- d. How the government intends to show proof that the camp they allege exists in Ogaden, Ethiopia actually is or was in existence in April of 1999;

- e. What documentation shows that a camp existed in April 1999 in Ogaden, Ethiopia wherein violent Jihad training was taught;
- f. The names and addresses of any witnesses who allegedly saw the defendant attempt to travel to Ogaden, Ethiopia for the alleged purpose;

B. COUNT 2 – CONSPIRACY TO PROVIDE MATERIAL SUPPORT TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION (FTO)

- (1) The exact language, word or words allegedly used by the defendant which allegedly indicated, or intended to indicate, that he willfully and knowingly agreed to commit the crimes charged in the indictment;
- (2) The dates upon which defendant allegedly committed the charged offense;
- (3) The places (cities, states, street addresses, apartment numbers, etc.) where defendant allegedly committed the crime charged;
- (4) The persons with whom the defendant knowingly agreed to commit this offense with;
- (5) With regard to the allegation of the conspiracy, the following:
 - a. What persons the defendant conspired with;
 - b. What other acts the conspirators committed;
 - c. What conspirators participated in each such act;
 - d. What the purpose of the act was;
 - e. Where the act was committed;
 - f. The date the act was committed;
 - g. The names and addresses of the witnesses present when the act was committed;
- (6) With regard to the allegation of providing material support to a designated FTO:
 - a. What support and/or resources allegedly did the defendant provide,
 - b. Where was the act of providing such support committed;
 - c. The date the act(s) was committed;
 - d. The names and addresses of the witnesses present when the act was committed;
 - e. Who within the FTO defendant allegedly provided the material support to;

- f. The identity of the person within the FTO who was witness to the defendant providing material support to the FTO;
- g. How the defendant provided the material support to the FTO;
- h. The names and addresses of the witnesses present when the defendant allegedly provided said material support to the FTO and/or its representative;

(7) With regard to the alleged overt act:

- a. The date on which it was allegedly planned by the defendant to travel to Ogaden, Ethiopia;
- b. The exact words or language used by the defendant which demonstrate his intent to travel to the Ogaden for the alleged purpose of “obtaining violent Jihad” military-style training;
- c. The names and addresses of the persons who witnessed defendant making said plans or statements;
- d. How the government intends to show proof that the camp they allege exists in Ogaden, Ethiopia actually is or was in existence in April of 1999;
- e. What documentation shows that a camp existed in April 1999 in Ogaden, Ethiopia wherein violent Jihad training was taught;
- f. The names and addresses of any witnesses who allegedly saw the defendant attempt to travel to Ogaden, Ethiopia for the alleged purpose;

(8) The names of un-indicted, but identified, co-conspirators of defendant, including those whose names may have become known since the return of the indictment, or the names of those other persons who were indicted but in separate indictments or under different charges;

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C. COUNT 3 – FRAUD & MISUSE OF DOCUMENTS TO FACILITATE
TERRORISM

- (1) The exact language, word or words allegedly used by the defendant which allegedly indicated, or intended to indicate, that he willfully and knowingly agreed to or committed an act of international terrorism;
- (2) The specific act of international terrorism that the defendant was allegedly facilitating;
- (3) The date on which an act of international terrorism was allegedly committed or to be committed by the defendant;
- (4) The names and addresses of the witnesses present when the defendant allegedly committed or planned to commit an act of international terrorism;

D. COUNT 4 – FRAUD & MISUSE OF DOCUMENTS TO FACILITATE
TERRORISM

- (1) The exact language, word or words allegedly used by the defendant which allegedly indicated, or intended to indicate, that he willfully and knowingly agreed to or committed an act of international terrorism;
- (2) The specific act of international terrorism that the defendant was allegedly facilitating;
- (3) The date on which an act of international terrorism was allegedly committed or to be committed by the defendant;
- (4) The names and addresses of the witnesses present when the defendant allegedly committed or planned to commit an act of international terrorism;

Dated: May 27, 2005

Respectfully Submitted,

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